



PUBLIC NOTICE

Federal Communications Commission
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DA 00-1597
July 18, 2000

**Consolidated Edison Communications, Inc. Seeks Commission
Determination of "Exempt Telecommunications Company" Status Under
the Public Utility Holding Company Act**

NSD File No: ETC 00-23

Pleading Cycle Established

Comments Due: August 15, 2000 Reply Comments Due: August 22, 2000

On July 5, 2000, Consolidated Edison Communications, Inc. ("Consolidated" or "Applicant"), pursuant to section 34(a)(1) of the Public Utility Holding Company Act of 1935 ("PUHCA"), as added by section 103 of the Telecommunications Act of 1996, Pub. L. No. 104-104, filed an application requesting a Commission determination that it is an exempt telecommunications company ("ETC").

Consolidated is a New York corporation and a wholly-owned subsidiary of Consolidated Edison, Inc., which is also a New York corporation. The application states that it is engaged (as defined in PUHCA section 2(a)(11)(B)) directly, or indirectly through one or more affiliates, and exclusively, in the business of providing (a) telecommunications services, (b) information services, (c) other services or products subject to the jurisdiction of the Federal Communications Commission, or (d) products or services that are related or incidental to the provision of a product or service described in paragraphs (a) through (c) above. Specifically, Consolidated states that it is planning to build and operate a fiber optic system that will provide wholesale transport of telecommunications, initially in the state of New York and eventually in the states of New Jersey, Pennsylvania, Maryland, Delaware, Connecticut, New Hampshire, Massachusetts, Rhode Island, and Vermont. It may in the future engage in other activities that fall within the categories et forth in Section 34(a)(1)(A-D) of PUHCA.

In accordance with 47 C.F.R. section 1.5004, if the Commission does not issue an order denying an ETC application within 60 days of receipt of the application, in this case, July 5, 2000, the application will be deemed granted as a matter of law. In accordance with 47 C.F.R. section 1.5003, a person applying in good faith for a Commission determination of ETC status is deemed to be an ETC from the date of receipt of the application, in this case, July 5, 2000, until the date of Commission action pursuant to 47 C.F.R. section 1.5004. In accord with 47 C.F.R. section 1.5005, the Secretary of the Commission is now notifying the Securities and Exchange

Commission (SEC) that the Applicant is deemed to be exempt telecommunications company. In the event that the Commission issues an order within 60 days of receipt of the application denying the application, the Secretary will so notify the SEC. Otherwise, the Commission will take no further action to grant this application.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. *See generally* 47 C.F.R. sections 1.1200 - 1.1206. Persons wishing to file comments, regarding the adequacy or accuracy of the Applicant's application requesting status as an ETC, must do so no later than **August 8, 2000**. All comments should also be served on the Applicant. Reply comments must be filed no later than **August 15, 2000**.

Interested parties should file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW, Room TW-A325, Washington, D.C. 20554. In addition, parties should send one copy to ITS, at 1231 20th Street, NW, Washington, D.C. 20036 and two copies to Al McCloud, Common Carrier Bureau, Network Services Division, FCC, 445 12th Street, SW, Room 6-A320, Washington, D.C. 20554. All filings concerning any of the matters referenced in this Public Notice should refer to NSD File No. **ETC 00-23**. The application will be available for public inspection Monday through Friday in the FCC Reference Center, Portals II, 445 12th Street, SW, Suite CY-A257, Washington, D.C., 20554, (202) 418-0267.

For further information, contact Al McCloud, (202) 418-2499 (voice), amcccloud@fcc.gov or Marty Schwimmer, (202) 418-2320 (voice), mschwimm@fcc.gov, of the Network Services Division, Common Carrier Bureau. The TTY number is (202) 418-0484. You may also find more information about Exempt Telecommunications Companies at our website: <http://www.fcc.gov/ccb/nsd/documents/ETC.html>.

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